

# **EXHIBIT 1**

**U.S. Serial No. 10/797,371**  
**Copy of transmittal sheet**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
30448.77USD1	Unknown	Unknown	Irem Yucel, Ph.D.	1636

**CERTIFICATE UNDER 37 CFR 1.10:**

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Date of Deposit: March 9, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2004.

By:   
Name: Tracy Truick

**DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/936,665, filed on September 10, 2001 entitled ADIPOSE-DERIVED STEM CELLS AND LATTICES by the following inventor(s):

Full Name Of Inventor	Family Name Katz	First Given Name Adam	Second Given Name J.
Residence & Citizenship	City Charlottesville	State or Foreign Country Virginia	Country of Citizenship USA
Post Office Address	Post Office Address 503 Broadleaf Way	City Charlottesville	State & Zip Code/Country Virginia, 22911/ USA
Full Name Of Inventor	Family Name Llull	First Given Name Ramon	Second Given Name
Residence & Citizenship	City Mallorca, Balearic Isles	State or Foreign Country Spain	Country of Citizenship Spain
Post Office Address	Post Office Address Placa Hostels, 10-A Santa Maria	City Mallorca, Balearic Isles	State & Zip Code/Country 07320/ Spain
Full Name Of Inventor	Family Name Futrell	First Given Name J. William	Second Given Name
Residence & Citizenship	City Pittsburgh	State or Foreign Country Pennsylvania	Country of Citizenship USA
Post Office Address	Post Office Address 1 Sweetwater Lane	City Pittsburgh	State & Zip Code/Country Pennsylvania, 15238/ USA

<b>Full Name Of Inventor</b>	<b>Family Name</b> Hedrick	<b>First Given Name</b> Marc	<b>Second Given Name</b> H.
<b>Residence &amp; Citizenship</b>	<b>City</b> Encinitas	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 2345 Jennifer Lane	<b>City</b> Encinitas	<b>State &amp; Zip Code/Country</b> California, 92024/USA

<b>Full Name Of Inventor</b>	<b>Family Name</b> Benhaim	<b>First Given Name</b> Prosper	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> Encino	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> USA
<b>Post Office Address</b>	<b>Post Office Address</b> 17018 Hartsook Street	<b>City</b> Encino	<b>State &amp; Zip Code/Country</b> California, 91316/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> Lorenz	<b>First Given Name</b> Hermann	<b>Second Given Name</b> Peter
<b>Residence &amp; Citizenship</b>	<b>City</b> Belmont	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> US
<b>Post Office Address</b>	<b>Post Office Address</b> 2634 Belmont Canyon Road	<b>City</b> Belmont	<b>State &amp; Zip Code/Country</b> California 94002/USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> Zhu	<b>First Given Name</b> Min	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> San Diego	<b>State or Foreign Country</b> California	<b>Country of Citizenship</b> China
<b>Post Office Address</b>	<b>Post Office Address</b> 15054 Avenida Montuosa, Apt. E	<b>City</b> San Diego	<b>State &amp; Zip Code/Country</b> California, 92129/USA

1.  Enclosed is a true and correct copy of the prior application; including the specification I and II, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The copy of the prior application is as follows:  
**Specification I:** 23 pages of specification, 6 pages of 79 claims, and 1 page of abstract; **Specification II:** Published International Application No. WO00/53795(31 pgs), Copy of the Amended Claims Filed in response to the Written Opinion. (4 pgs.), An Oath or Declaration of the Inventors (7 pgs.), Copy of the International Search Report (8 pgs.), A Preliminary Amendment (2 pgs.), PCT Written Opinion dated April 19, 2001. (7 pgs) and Response to Written Opinion dated May 18, 2001. (10 pgs).
2.  Cancel in this application original claims 2, 14-35, 66-72, 75, 76, 80-131 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3.  The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA	RATE	FEE
<b>TOTAL CLAIMS:</b> 91	-20	71	x \$9.00
<b>INDEPENDENT CLAIMS</b>	-3	4	x \$43.00
			<b>BASIC FILING FEE:</b> \$385.00
			<b>MULTIPLE DEPENDENT CLAIM FEE:</b> \$145.00
			<b>TOTAL FILING FEE:</b> \$1341.00

- A Verified Statement that this filing is by a small entity is already filed in the prior application.
- A Verified Statement that this filing is by a small entity is attached.
4.  Payment of fees:
 

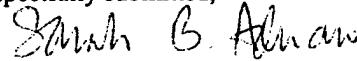
Attached is a check in the amount of \$1341.00.

Please charge Deposit Account No. 50-0306.
5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 50-0306.
6.  Amend the specification by replacing the first full paragraph with:  
 "This application is a divisional application of U.S. Serial No. 09/936,665 filed September 10, 2001, which is a 35 U.S.C. §371 of PCT Application No. PCT/US00/06232 filed March 10, 2000, which claims the priority of U.S. Serial No. 60/123,711 filed March 10, 1999 and U.S. Serial No. 60/162,462 filed October 29, 1999, the contents of all of which are incorporated by reference into the present application."
7.  A set of formal drawings (\_\_\_\_ sheets) is enclosed.
8.  Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_, is claimed under 35 U.S.C. 119.
- The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
9.  The prior application is assigned of record to University of Pittsburgh of the Commonwealth System of Higher Education and The Regents of the University of California.
10.  The Power of Attorney in the prior application is to:

Mandel & Adriano  
 55 South Lake Avenue, Suite 710  
 Pasadena, California 91101

11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
12.  Fee for excess claims is attached.
13.  A petition and fee has been filed to extend the term in the prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.
14.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
15.  Also Enclosed: Utility Patent Transmittal Sheet (2 pages) and Fee Transmittal Sheet for FY 2004 (2 pages)
16.  Address all future communications to the **Attention of Sarah B. Adriano** (may only be completed by attorney or agent of record) at the address below.
17.  A return postcard is enclosed.

Respectfully submitted,



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Sarah B. Adriano  
Reg. No. 34,470  
Attorney for Applicants  
Mandel & Adriano  
55 South Lake Avenue, Suite 710  
Pasadena, California 91101  
626/395-7801  
Customer No. 26,941